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 KAMREE MILLER

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

KAMREE MILLER,)	Case No. 3:18-cv-07323-EMC
)	
Plaintiff,)	FIRST AMENDED COMPLAINT
)	
vs.)	Hon. Edward M. Chen
)	
FRANK MERANDA, Patrol Officer for)	
California Highway Patrol; KEERAT)	
LAL, Sergeant for California Highway)	
Patrol,)	
)	
Defendants.)	

INTRODUCTION

1. Kamree Miller, a mother and resident of Brentwood, California, was subject to stalking and harassment, including harassment of a sexually explicit nature, by California Highway Patrol Officer Frank Meranda for more than three years.

2. Officer Meranda's supervisor Sergeant Keerat Lal ratified Officer Meranda's actions and participated in additional harassment of Ms. Miller and her boyfriend in July of 2017.

1 10. At all times relevant hereto, defendant Keerat Lal was a sworn law
2 enforcement officer employed by the California Highway Patrol. He is sued in his
3 individual and official capacity.

4 **STATEMENT OF FACTS**

5 11. In April of 2014, Kamree Miller accompanied her father to the California
6 Highway Patrol ("CHP") division at 5001 Blum Rd, Martinez, CA 94553 to retrieve his
7 vehicle that had been towed.

8 12. At the designated counter, Ms. Miller encountered sworn CHP officer
9 Frank Meranda, who collected her contact information, which included her cell phone
10 number, on forms she was required to fill out to have the vehicle returned.

11 13. Officer Meranda asked her to provide him with her email address. The
12 forms did not ask for an email address, and he compelled this information without
13 lawful reason or cause.

14 14. Officer Meranda acquired Ms. Miller's cell phone number from the forms
15 and called her immediately after she left the building. He said inappropriate and
16 unwanted things to her about her physical appearance and insisted that she keep in
17 touch with him.

18 15. Officer Meranda began calling Ms. Miller several times a day from
19 different numbers associated with CHP.

20 16. Officer Meranda also began emailing Ms. Miller regularly using the email
21 address he had asked her to provide him when she filled out official forms for the return
22 of her father's vehicle.

23 17. All calls and emails were initiated from CHP phones and email addresses.

24 18. Officer Meranda's CHP email address was FMeranda@chp.ca.gov.

25 19. It contained a signature line which read:

26 Officer F. Meranda #19526
27 Front Desk/Watch Officer
28 Contra Costa Area CHP
 5001 Blum Rd.
 Martinez, CA 94553

(925) 646-4980 office
(925) 646-4990 fax

20. Most emails sent to Ms. Miller contained that signature and an image of a CHP badge.

21. From this email address, Officer Meranda would send photographs of himself. Some of the photographs contained Officer Meranda in uniform with his badge and handgun visible.

22. Officer Meranda would call each day and if she did not answer, he would call again.

23. On average, he called her two to five times a day.

24. Ms. Miller would answer the calls in an effort to end his incessant calling. Eventually, she began using a feature on her phone to block the CHP number that he would call from, but Officer Meranda would then begin calling from a different CHP phone number. Ms. Miller knew it was a CHP number because the first six digits were the same, and only the last four digits changed. Every time she would pick up, it was Officer Meranda.

25. Ms. Miller was not interested in a personal relationship with Officer Meranda, but she felt pressured to continue her conversations with him. She was concerned that Officer Meranda would acquire her address from CHP forms and visit her home or find out what car she was driving and pull her over.

26. Ms. Miller encountered Officer Meranda each time she had the need to contact CHP. She saw him once again at the front desk of the station when she again went to retrieve a car from impound. Additionally, Officer Meranda would answer the phone each time Ms. Miller had to call CHP to report an accident or address a ticket, which happened approximately five to six times since first encountering him. On those occasions, Meranda behaved similarly towards Ms. Miller as he always had, making unwanted sexual comments towards her and harassing her.

27. Officer Meranda would email Ms. Miller regularly. He would demand to know where she was at and what she was doing. At first, Ms. Miller would send him

1 responses, often brief. But she attempted to avoid all communication with Officer
2 Meranda after his email on January 21, 2015.

3 28. In Officer Meranda's January 21, 2015, email, sent from his CHP email
4 address, Officer Meranda sent a nude photograph of himself with his genitals exposed.

5 29. It appeared that he took the photographs in a public bathroom while on
6 duty.

7 30. When Ms. Miller did not respond to his sexually explicit email, he emailed
8 her to ensure that she saw the picture and offered to send it again. He continued to
9 email her regularly from his CHP email address and call her from CHP phone numbers,
10 despite her failure to respond.

11 31. By the middle of 2015, Officer Meranda eased off his efforts to contact Ms.
12 Miller.

13 32. On or about, May 28, 2017, Ms. Miller entered a shopping center in
14 Brentwood, California, where she saw Officer Meranda in the parking lot.

15 33. Ms. Miller drove to the other end of the parking lot and entered a baby
16 clothing store to shop for her baby daughter.

17 34. Officer Meranda followed her across the parking lot and into the clothing
18 store, where he confronted her and hugged her, uninvited.

19 35. Officer Meranda commented on the vehicle she was driving.

20 36. He stayed for a brief time and then left the store. Officer Meranda
21 immediately began emailing and calling her again. He again called two to five times a
22 day until Ms. Miller changed her phone number.

23 37. The harassing communications from Officer Meranda only ceased after
24 Ms. Miller sent an email purporting to her husband. In the email, Ms. Miller, in the
25 voice of her "husband," told Officer Meranda to stop contacting her.

26 38. On July 19, 2017, California Highway Patrol Sergeant Keerat Lal called
27 Ms. Miller's boyfriend, who was the registered owner of the car that Ms. Miller was
28 driving in the parking lot when she encountered Officer Meranda in December.

1 39. Sergeant Lal referred to Ms. Miller's boyfriend as her husband, indicating
2 that Officer Meranda had discussed with him the email sent by Ms. Miller where she
3 had taken on the guise of her own husband to end Officer Meranda's contact.

4 40. Sergeant Lal told Ms. Miller's boyfriend that Ms. Miller was having an
5 affair with Officer Meranda.

6 41. On information and belief, Sergeant Lal could not have known the identity
7 of Ms. Miller's boyfriend without using CHP resources to conduct an unlawful search of
8 Ms. Miller's property and to unlawfully surveil Ms. Miller.

9 42. Sergeant Lal attempted to intimidate Ms. Miller's boyfriend and
10 demanded that he intervene in what he characterized as illicit activity initiated by Ms.
11 Miller.

12 43. When Ms. Miller got on the phone with Sergeant Lal, he changed his tone
13 and told Ms. Miller that she would need to come in for an interview regarding her
14 relationship with Officer Meranda.

15 44. When Ms. Miller attempted to follow up with Sergeant Lal to schedule an
16 interview through counsel, she was told that she could not make a complaint against
17 Officer Meranda with the assistance of counsel.

18 45. On information and belief, Sergeant Lal did not initiate any investigation
19 into the conduct of Officer Meranda once he knew that Officer Meranda had conducted
20 illegal acts with respect to Ms. Miller, despite his duty to do so according to CHP policy.

21 **EXHAUSTION OF ADMINISTRATIVE RELIEF**

22 46. On January 18, 2018, Kamree Miller submitted a claim pursuant to
23 California Government Code section 910 *et seq.*

24 47. On February 14, 2018, the Government Claims Program sent a letter
25 acknowledging receipt of Ms. Miller's claim.

26 48. Response under California Government Code section 913 was due March
27 5, 2018. No response was provided. Ms. Miller therefore proceeds with her action
28 pursuant to California Government Code section 945.6(2).

**FIRST CLAIM FOR RELIEF
UNREASONABLE SEARCH IN VIOLATION OF FOURTH AND
FOURTEENTH AMENDMENTS**

(By plaintiff against defendants Keerat Lal and Frank Meranda.)
(42 U.S.C. § 1983)

49. Plaintiff incorporates by reference paragraphs 1 through 48 above as though fully set forth herein.

50. By virtue of the foregoing, defendants Keerat Lal and Frank Meranda acted under color of law when they searched the property of Kamree Miller without lawful justification and deprived plaintiff of her right under the Fourth and Fourteenth Amendments to the United States Constitution to be free from unreasonable searches.

51. Further, by virtue of the foregoing, defendant Keerat Lal failed in his duty to report the unlawful conduct of defendant Frank Meranda that he had learned about and participated in, thus failing to intervene in defendant Frank Meranda's unlawful conduct, as required by CHP policy.

**SECOND CLAIM FOR RELIEF
VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE
FOURTEENTH AMENDMENT**

(By plaintiff against defendant Frank Meranda.)
(42 U.S.C. § 1983)

52. Plaintiff incorporates by reference paragraphs 1 through 51 above as though fully set forth herein.

53. By virtue of the foregoing, defendant Meranda's sexual harassment of Kamree Miller while he was acting in his capacity as a sworn peace officer constituted unequal treatment based on her gender and/or sex and therefore violated her right to Equal Protection under the Fourteenth Amendment.

**THIRD CLAIM FOR RELIEF
INVASION OF PRIVACY IN VIOLATION OF CALIFORNIA CONSTITUTION**

(By plaintiff against defendants Frank Meranda and Keerat Lal.)
(Article 1, Section 1)

54. Plaintiff incorporates by reference paragraphs 1 through 53 above as though fully set forth herein.

55. By virtue of the foregoing, defendants Frank Meranda and Keerat Lal

1 violated the right to privacy guaranteed by the California Constitution when they
2 searched Kamree Miller's property without lawful justification and when they acted
3 upon the information acquired by the unjustifiable invasion of privacy.

4 **FOURTH CLAIM FOR RELIEF**
5 **VIOLATION OF CALIFORNIA BANE ACT**
6 (By plaintiff against defendants Frank Meranda and Keerat Lal.)
7 (California Civil Code § 52.1)

8 56. Plaintiff incorporates by reference paragraphs 1 through 55 above as
9 though fully set forth herein.

10 57. By virtue of the foregoing, defendants Frank Meranda and Keerat Lal
11 interfered by threats, intimidation, or coercion with the rights of Kamree Miller secured
12 by the Constitution of the United States and the Constitution of the State of California.

13 **FIFTH CLAIM FOR RELIEF**
14 **STALKING**
15 (By plaintiff against defendant Frank Meranda.)
16 (Cal. Civ. Code § 1708.7)

17 58. Plaintiff incorporates by reference paragraphs 1 through 57 above as
18 though fully set forth herein.

19 59. By virtue of the foregoing, defendant Frank Meranda engaged in a pattern
20 of conduct with the intent to harass plaintiff.

21 60. By virtue of the foregoing, defendant Frank Meranda caused plaintiff
22 substantial emotional distress and defendant Frank Meranda's conduct would have
23 caused a reasonable person to suffer substantial emotional distress.

24 61. By virtue of the foregoing, defendant Frank Meranda engaged in conduct
25 that constituted a credible threat with the intent to place plaintiff in reasonable fear for
26 her safety by using his position as a law enforcement officer and his official email and
27 phone to harass plaintiff.

28 **SIXTH CLAIM FOR RELIEF**
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(By plaintiff against defendants Frank Meranda and Keerat Lal.)
(California Common Law)

62. Plaintiff incorporates by reference paragraphs 1 through 61 above as
though fully set forth herein.

64. As a result of the actions of defendants, plaintiff has been injured and have suffered damages as follows:

b. In taking the actions alleged above, defendants Frank Meranda and Keerat Lal engaged in conduct that was malicious, oppressive, and in reckless disregard of the rights of plaintiffs. Accordingly, plaintiffs are entitled to punitive damages against defendants Frank Meranda and Keerat Lal.

- (1) General damages, in an amount to be determined;
- (2) Special damages, in an amount to be determined;
- (3) Punitive damages, in an amount to be determined;
- (4) Reasonable attorney's fees under 42 U.S.C. § 1988;
- (5) Injunctive relief;
- (6) Costs of suit; and
- (7) Such other and further relief as the Court may deem

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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated: March 15, 2019

SIEGEL , YEE, BRUNNER & MEHTA

By /s/EmilyRose Johns
EmilyRose Johns

Attorneys for Plaintiff
Kamree Miller